

922 KAR 1:540. Registration of a foreign adoption.

RELATES TO: KRS 199.011(4), 199.470, 199.475, 199.585, 213.056(2), 8 U.S.C. 1201-1204, 1421-1458, 22 C.F.R. Part 42, 42 U.S.C. 14901-14954

STATUTORY AUTHORITY: KRS 194A.050(1), 199.472, 199.585(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) authorizes the cabinet to promulgate, administer, and enforce administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 199.585(1) and (2) require the cabinet to register, through a certified notice, an original decree, judgment, or final order of adoption of a child approved for United States citizenship issued by a court or another governmental authority with appropriate jurisdiction in a foreign country. KRS 199.472 mandates that the cabinet establish criteria for the adoption of children by administrative regulation. This administrative regulation establishes a certified notice registering a foreign adoption in Kentucky.

Section 1. Definitions. (1) "Child" is defined by KRS 199.011(4).

(2) "Foreign adoption" means a decree, judgment, or final order of adoption as specified in KRS 199.585(1).

(3) "IR3" means an immigration visa classification that classifies the holder as an immediate relative of an United States citizen in accordance with 8 U.S.C. 1204 and 22 C.F.R. 42.11.

Section 2. Requirements for Certified Notice. (1) In accordance with KRS 199.585, the cabinet shall issue a certified notice registering a foreign adoption in Kentucky, if the adoptive parent presents the following items in hardcopy:

(a) The adopted child's:

1. Certificate of citizenship in accordance with 8 U.S.C. 1431; or
2. Proof of the child's IR3;

(b)1. A copy of the original decree, judgment, or final order of the child's adoption; or

2. A translated copy of the original decree, judgment, or final order of the child's adoption, if the copy of the original decree, judgment, or final order of the child's adoption is not in English; and

(c) The "DPP-188, Application for Registration of Foreign Adoption".

(2)(a) The adoptive parent shall submit the items required in subsection (1) of this section:

1. By certified or registered mail; and

2. To the secretary in care of the Commissioner of the Department for Community Based Services; and

(b) The return receipt of certified or registered mail shall be proof of the filing of the items required in subsection (1) of this section for a certified notice registering a foreign adoption in Kentucky.

(3) The cabinet shall return to the sender an application if:

(a) The sender's return address is provided; and

(b) The application for a certified notice registering a foreign adoption in Kentucky:

1. Does not contain the items required in subsection (1) of this section; and

2. Was not submitted in the manner specified in subsection (2) of this section.

Section 3. Limitations and Restrictions. (1) In accordance with KRS 199.585(3), a petition for adoption shall be:

(a) Required for a foreign adoption without an item included in Section 2(1) of this administrative regulation; and

(b) Filed in the circuit court with the appropriate jurisdiction in accordance with KRS 199.470 or 199.475.

(2)(a) The certified notice registering a foreign adoption in Kentucky shall be distinguished from a record of foreign birth; and

(b) An individual may apply for a record of foreign birth in accordance with KRS 213.056(2) through the Office of Vital Statistics.

Section 4. Record of Registered Foreign Adoptions. (1) The cabinet shall issue the "DPP-188A, Foreign Adoption Certificate of Registration" as the certified notice registering a foreign adoption in Kentucky.

(2) The DPP-188A shall have the same force and effect as a legal adoption finalized in a circuit court of the Commonwealth of Kentucky.

(3) The cabinet shall maintain a copy of each certified notice registering a foreign adoption in Kentucky and supporting documentation in accordance with KRS 199.585(2).

(4) Within existing appropriations, the cabinet shall make up to three (3) additional copies of the DPP-188A available to an adoptive parent who:

(a) Made an application in accordance with Section 2 of this administrative regulation; and

(b) Resubmits the DPP-188 to request an additional copy of the DPP-188A.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DPP-188, Application for Registration of Foreign Adoption", edition date 12/05; and

(b) "DPP-188A, Foreign Adoption Certificate of Registration", edition date 12/05.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. (32 Ky.R. 824; 1117; eff. 1-6-2006.)